REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

After entry of the foregoing amendment, Claims 12-15, 18, 21, and 22 are pending in the present application. Claims 12 and 18 are amended; Claims 1-11, 16, 17, 19, and 20 are canceled without prejudice or disclaimer; and Claims 21 and 22 are added by the present amendment. No new matter is added.[1]

In the outstanding Office Action, the drawings were objected to; Claims 1, 2, 4, 7, 10, 16, 17, 19, and 20 were rejected under 35 U.S.C. 112, second paragraph; Claims 1, 4, 6-9, 17, and 19 were rejected under 35 U.S.C 102(e) as anticipated by U.S. Patent No. 6,694,153 to Molnar et al. (hereinafter "Molnar"); Claims 2, 3, 5, 10, 11, 16, and 20 were rejected under 35 U.S.C. 103(a) as unpatentable over Molnar in view of U.S. Patent No. 5,736,959 to Patterson et al. (hereinafter "Patterson"); and Claims 12-15 and 18 were indicated as reciting allowable subject matter.

Regarding the objection to the drawings, the Specification is amended to add reference numeral "24" in view of the Examiner's comments. Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

Regarding the rejection of Claims 1, 2, 4, 7, 10, 16, 17, 19, and 20 under 35 U.S.C. 112, second paragraph, that rejection is moot in view of the cancellation of those claims. However, Applicants' recitation of the term "substantially" is addressed below.

Applicants acknowledge, with appreciation, the indication of allowable subject matter. In view thereof, Claims 12 and 18 are rewritten in independent form, with one exception. In each of Claims 12 and 18, the recitation "such that there is substantially no mutual interference among those signals to be transferred at the identical time with respect to

[1] For support, see the claims as originally filed; and Specification, page 31, lines 18-23.

the different radio terminals" is replaced with the recitation "such that an amount of mutual interference among those signals to be transferred at the identical time with respect to the different radio terminals is less than a threshold determined before the step (b)."[2] Claims 13-15 depend from Claim 12. Accordingly, as Claims 12 and 18 retain the subject matter indicated as being allowable,[3] Applicants respectfully submit that Claims 12-15 and 18 are in condition for allowance.

Regarding the rejection of Claims 2, 3, 5, 10, 11, 16, and 20 under 35 U.S.C. 103(a) as unpatentable over Molnar in view of Patterson, that rejection is moot in view of the cancellation of those claims.

New dependent Claims 22 and 23 are added to recapture the language deleted from Claims 12 and 18, respectively, i.e., to recapture the recitation "such that there is substantially no mutual interference among those signals to be transferred at the identical time with respect to the different radio terminals." In view of the rejection of Claims 1, 2, 4, 7, 10, 16, 17, 19, 20 under 35 U.S.C. 112, second paragraph, Applicants note that the term "substantially" is not believed to render Claims 22 and 23 as indefinite. More particularly, Applicants note, "[T]he term 'substantially' in patent claims gives rise to some definitional leeway. ... Patentees may use these terms to avoid unduly limiting the modified word. Thus, the term 'substantially' may prevent avoidance of infringement by minor changes that do not affect the results sought and accomplished."[4] As the recitation of "substantially no interference" simply avoids the implication of "absolutely zero interference,"[5] i.e., prevents avoidance of infringement by minor changes that do not affect the results sought and accomplished, Claims 22 and 23 are not indefinite. Accordingly, Applicant's respectfully submit that Claims 22 and 23 are in condition for allowance.

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[2] For support, see Specification, page 31, lines 18-23.
[3] Office Action, 12/16/2004, page 13.
[4] C.E. Equipment Co. Inc. v. United States, 17 Cl. Ct. 293, 13 USPQ2d 1363, 1368 (Cl. Ct. 1989).
[5] Specification, page 31, lines 18-23.

Applicants note that the next official communication cannot be a final Office Action if (1) a new ground of rejection is applied to Claims 12 and 18; and (2) the new ground of rejection is not necessitated by Applicants' amendments to those claims.[6]

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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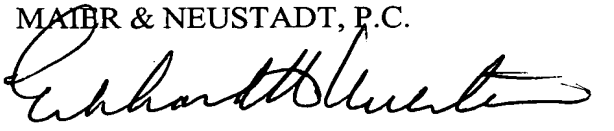

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[6] MPEP 706.07(a).